

REMARKS

Applicant thanks the Examiner for the courtesy extended during the interview held in the parent case on June 6, 1994. In accordance with that discussion, applicant presents these amendments and new claims. These claims, as presented, obviate the Section 112 problems noted in the rejections made in Serial No. 08/035,661 ("the '661 application.") There is adequate support for each of the claims as amended. Applicants have deleted any reference to maintaining control of the playback throughout the duration of the playback.

Moreover, these claims are narrower in scope and do not implicate the novelty issues raised in the '661 application in view of Stern et al. The claims as presented here alternatively distinguish over Stern et al. because of the use of a subscriber identification means (claims 14, 22, 27 and 33) and because of the use of a bar code means to read the music product code (new claims 118-133.)


Applicant submits that Stern et al. do not teach the use of a subscriber ID system, nor the use of a bar code reader.

Applicant further submits that the Hughes reference of record in the '661 application does not preclude patentability of claims dependent from claim 14, 22, 27 and 33, nor claims 121-124 and 129-132.

Applicant submits that as amended, the claims are now in condition for immediate allowance. Applicant respectfully requests the entry of a Notice of Allowance.

Respectfully submitted,
DERGOSITS & NOAH

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